

# Notice of Allowability

Application No.

10/777,667

Examiner

Sarah L. Kuhns

Applicant(s)

ALSOBROOK ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 9/6/05.
2. ☒ The allowed claim(s) is/are 1-3, 5-15, 17, 18 and 25-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bernard Kleinke on September 27, 2005.

#### Listing of Claims

1. A method of processing green onions having bulbs including root crowns comprising: securing a top portion of each of the green onions; moving the secured green onions in a generally vertical disposition into engagement with a pair of like sized reversely rotating members; driving the rotating members sufficiently to apply an abrupt jarring force to a bottom portion of each of the green onions acting substantially in the direction opposite the top portion and in line between the top and bottom portions of each one of the green onions to rip apart a root crown to separate a bottom portion only of the root crown from the remaining portion of each green onion upon engaging the rotating members; and packaging the green onions in a container.
2. A method according to claim 1, wherein said applying force includes applying force to the bottom portion of each one of the green onions below the intersection of the root

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crown and the bulb in the opposite direction to the top portion of the green onion to rip apart the root crown from the bottom portion of the green onion.

3. A method according to claim 1, further including discarding the separated portions of the green onions.

4. (Cancelled)

5. A method according to claim 1, further including discarding the separated portions of the green onions.

6. A method according to claim 1, further including singulating a group of the green onions prior to the applying of force.

7. A method according to claim 6, further including washing the singulated green onions.

8. A method according to claim 7, further including peeling the foreskins from the singulated green onions.

9. A method according to claim 8, further including supporting the singulated green onion vertically by its stalk.

10. A method according to claim 9, further including translating the green onions along a path of travel.

11. A method according to claim 1, further including translating the green onions substantially vertically along a path of travel into engagement with a de-rooter to apply force to the bottom portion of the green onion.

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12. A method according to claim 11, further including translating the green onions to a second de-rooter to repeat the applying of force to the bottom portion of the green onions.

13. A method according to claim 11, wherein the applying of force is caused by holding the top portion of the green onion while the de-rooter applies force to the bottom portion of the green onion.

14. A method according to claim 13, further including washing the green onions after separating the bottom portion therefrom.

15. A method according to claim 14, further including grouping the green onions.

16. (Cancelled)

17. A method according to claim 11, wherein the rotating members include a pair of pinch rollers.

18. A method according to claim 11, wherein the rotating members include a pair of meshing gears.

19. (Canceled)

20. (Withdrawn)

21. (Withdrawn)

22. (Withdrawn)

23. (Withdrawn)

24. (Withdrawn)

25. A method according to claim 1, further including subsequently repeating the applying the abrupt jarring force acting substantially in the direction opposite the top

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portion and in line between the top and bottom portions of each one of the green onions to help ensure the ripping apart of the root crowns from the remaining portion of each green onion.

26. A method according to claim 1, wherein the driving the rotating members sufficiently to apply the abrupt jarring force includes holding the green onions individually by the top portions thereof moving them seriatim to a de-rooting station, and applying the abrupt jarring force to the bottom portion of each green onion in the direction opposite to the top portion of each green onion upon engaging the rotating members.

27. A method of processing green onions having bulbs including moving the secured green onions in a generally vertical disposition into engagement with a pair of like sized reversely rotating members; driving the rotating members sufficiently to apply an abrupt jarring force to a bottom portion of each of the green onions acting substantially in the direction opposite the top portion and in line between the top and bottom portions of each one of the green onions to rip apart a root crown to separate a bottom portion only of the root crown from the remaining portion of each green onion upon engaging the rotating members.

28. A method of processing green onions having bulbs including root crowns comprising: securing a top portion of each of the green onions; moving the secured green onions in a generally vertical disposition; engaging the secured green onions with a vertically movable clamp; driving the clamp sufficiently to apply an abrupt jarring force using the vertically movable clamp to a bottom portion of each of the green onions

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acting substantially in the direction opposite the top portion and in line between the top and bottom portions of each one of the green onions to rip apart a root crown to separate a bottom portion only of the root crown from the remaining portion of each green onion; and packaging the green onions in a container, wherein the green onions are secured by the top portion at the time of applying the abrupt jarring force in a downward direction, the green onions are transported to the clamp in a direction generally perpendicular to a path of travel of the clamp.

29. A method of processing green onions having bulbs including root crowns comprising: securing a top portion of each of the green onions; moving the secured green onions in a generally vertical disposition into engagement with a pair of like sized reversely rotating members; driving the rotating members sufficiently to apply an abrupt jarring force to a bottom portion of each of the green onions acting substantially in the direction opposite the top portion and in line between the top and bottom portions of each one of the green onions to rip apart a root crown to separate a bottom portion only of the root crown from the remaining portion of each green onion as soon upon engaging the rotating members; wherein the green onions are secured by the top portion at the time of applying the abrupt jarring force, the green onions are transported to the rotating members in a direction generally perpendicular to an axis of each of the rotating members.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah L. Kuhns whose telephone number is 571-272-1088. The examiner can normally be reached on Monday - Friday from 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached at 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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